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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,289	09/11/2003	Brent Russell Phillips	AUS920030563US1(4013)	5354
45557 7590 09/05/2007 IBM CORPORATION (JSS) C/O SCHUBERT OSTERRIEDER & NICKELSON PLLC 6013 CANNON MOUNTAIN DRIVE, S14 AUSTIN, TX 78749			EXAMINER MIRZADEGAN, SAEED S	
			ART UNIT 2144	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/660,289

Applicant(s)

PHILLIPS, BRENT RUSSELL

Examiner

Saeed S. Mirzadegan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This Action is in regards to the Response received on 29 June 2007.
2. Applicant's Amendments, (see Amendments to specifications filed 29 June 2007) with respect to Specifications and Drawings have been fully considered and are persuasive. The Objections to Specifications and Drawings has been withdrawn.
3. Applicant's Amendments with respect to claims 7, 9, 15 & 16 rejection under 35 U.S.C. 112 2<sup>nd</sup> have been fully considered and are persuasive. The 35 U.S.C. 112 2<sup>nd</sup> objections have been withdrawn.
4. Applicant's Amendments with respect to claims 17- 20 rejections under 35 U.S.C. 101 have been fully considered and are persuasive. The 35 U.S.C. 101 rejections have been withdrawn.
5. In order to overcome the IDS objection, examiner request the submission of the new IDS form PTO/SB/08B that applicant has mentioned in the remarks. Examiner is unable to locate the new IDS form that applicant has agedly submitted.
6. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the following ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 1-6, 9-15, 17-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over McGann et al. (US patent No. 6920476) which will hereafter be referred to as McGann et al., in view of Lambert et al. (US PG PUB No. 20030033349) which will hereafter be referred to as Lambert et al.

8. Regarding **Claims 1 & 9 & 17**, McGann et al., teaches copying the message (Fig. 2, Message 26) to a working queue (Fig. 2, Message collector 28) the working queue being persisted by a queue manager (Fig. 2, Local queue manager 30) to persist the message before the message is removed from the inbound queue (Col.3, Line 2, preferably, it is persisted to a local file system 32 (Fig. 2), where it is stored until the message is delivered); and processing the message to generate a reply (Col.3, Line 31, Message Writer 36 (Fig.2) is a

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module that receives messages and routes them to a specific associated process) prior to removing the message from the working queue. (Col.3, line 3, Until removed by the receiver, the message remains on the local file system so that it can be retrieved and resent in case of a hardware or software failure somewhere along the line) .

9. McGann et al., does not teach browsing an inbound queue to identify the message.

10. It is well known in the art that in order for a message to be identified, it needs to be browsed first; further more Lambert et al., which is in the same field of endeavor, also teaches (Page 8, [0094] Line 1, that queue managers provide applications with Get, Put, Browse, Wait, Listen and Delete operations).

11. McGann et al., discloses the claimed invention except for browsing an inbound queue. It would have been obvious to one having ordinary skill in the art at the time the invention was made to browse the queue to identify the message as taught by Lambert et al., since what is lacking in McGann et al., is well known in the art. One of the functions of the queue manager is to browse the queue. In order to process a message, it first has to be browsed.

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12. One of ordinary skills in art at the time of the applicant's invention would benefit from combining McGann et al. and Lambert et al. to achieve processing of the message.

13. Regarding **Claims 2 & 10 & 18**, note that McGann et al., also teaches removing the message from the working queue after storing the reply in an outbound queue. (Col.3, Line 43, once the message writer 36 has delivered the message, it removes the message form the local queue, where it had been placed by the local queue manager 30).

14. Regarding **Claims 3 & 11 & 15**, note that McGann et al., also teaches restoring the message in the working queue after a system failure. (Col.3, Line 48, Thus, in the event of a failure, the message is saved in a reliable location. Once the failure has been corrected, the message can be resent and receipt insured by plug in 38, 40, the intended recipient).

15. Regarding **Claims 4 & 12**, note that McGann et al., also teaches determining that the message is persisted prior to removing the message from the inbound queue. (Col.3, Line 45, until message writer 36 has delivered the message, it remains on the persistent storage device, from where it can be accessed later if need be).

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16. Regarding **Claims 5 & 13**, note that Lambert et al., teaches that browsing comprises searching the working queue for the message, wherein the message is waiting to be processed. (Page 8, [0094] Line 1, that queue managers provide applications with Get, Put, Browse, Wait, Listen and Delete operations).

17. Regarding **Claims 6 & 14**, note that Lambert et al., also teaches that browsing comprises locking the message until the message is copied to the working queue. (Page 8, [0095] Line 5, Browsing under lock is also supported-- which has the additional feature of locking the matching messages on the queue).

18. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over McGann et al. (US patent No. 6920476), in view of Lambert et al. (US PG PUB No. 20030033349) as applied to claim 1 above and in further view of Nakada et al. (US PG PUB No. 20010013051) which will hereafter be referred to as Nakada et al.

19. Regarding **Claim 7**, note that Nakada et al., teaches processing comprises assigning the message to a thread, the thread being available to process the message, (Page 2, [0030] Line 6, generating a new conversation thread when it is determined that the corresponding conversation thread does not exist in the message processor).

20. McGann et al., & Lambert et al., disclose the claimed invention except for processing comprises assigning the message to a thread, the thread being available to process the message.

21. Nakada et al., teaches that a thread is generated when it is needed and does not exit.

22. It is well known in the art that a process cannot occur unless a thread is assigned to it; hence it would have been obvious to one having ordinary skill in the art at the time the invention was made to assign the message to a thread, the thread being available as taught by Nakada et al.

23. One of ordinary skills in art at the time of the applicant's invention would benefit from combining McGann et al. and Lambert et al. with Nakada. Such a modification would allow the process to occur & execute as intended by the message sender.

24. **Claims 8 & 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over McGann et al. (US patent No. 6920476), in view of Lambert et al. (US patent No. 20030033349) as applied to claim 1 above and in further view of Mikalsen et al. (US patent No. 6934948) which will hereafter be referred to as Mikalsen et al.

25. Regarding **Claim 8 & 16**, note that Mikalsen et al., teaches that processing comprises transmitting a second message to request data (Col.6, Line 23-24, the message representing the request), indicated by a content of the message and generating the reply based upon data received in response to the second message (Col.6, Line 24-30, the two messages are correlated and as a consequence to the request message or some processing, the reply is generated).

26. McGann et al., & Lambert et al., disclose the claimed invention except for processing comprises transmitting a second message to request data indicated by a content of the message and generating the reply based upon data received in response to the second message, Mikalsen et al., teaches that it is known to generate a reply based on the content of the message as set forth at Col 6, Line 19-30.

27. It would have been obvious to one having ordinary skill in the art at the time the invention was made to generate a reply message based on the content of the message as taught by Mikalsen et al. One of ordinary skills in art at the time of the applicant's invention would benefit from combining McGann et al. and Lambert et al. with Mikalsen et al. by achieving the processing of the message as intended by the sender.

28. Regarding **Claims 20**, note that Lambert et al., also teaches that browsing comprises selecting a set of messages, the message being part of the set (Page 8, [0095] Line 3, Queues may also be browsed for messages under the control of a filter) and also (Page 8, [0095] Line 13, Alternatively applications can listen for message events, again optionally with a filter).

### ***Response to Arguments***

29. Applicant's arguments filed on 29 June 2007 have been carefully considered but they are not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicant's main point of contention.

Applicant argues that the McGann in view of Lambert does not teach or suggest "copying the message to a working queue, the working queue being persisted by a queue manager, to persist the message **before the message is removed from the inbound queue**; and processing the message to generate a reply prior to removing the message from the working queue." as related to claims 1, 9, 17.

It is the Examiner's position that McGann discloses that **(Col. 2, lines 66-67 & Col. 3, lines 1 -2) when, "not after"** the message is received by the queue manager; the message is ... persisted. This operation takes place simultaneously and not one after the other. And further more, the applicant has already

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acknowledged that McGann discloses that persistence of the message to the local file system is optional. Therefore McGann discloses the claimed limitation. Thus it is the Examiners position that the 35 USC 103 rejections are proper.

### ***Prior Art of Record***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schoenthal (US PG Pat. No. US 6910154) teaches Persistent and reliable delivery of messages.

### ***Conclusion***

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

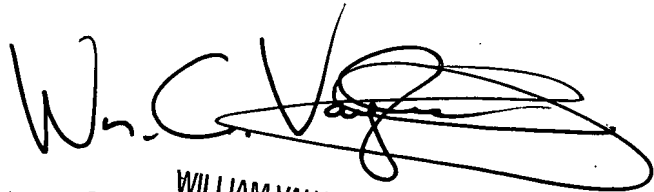
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed S. Mirzadegan whose telephone number is 571-270-3044. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SSM

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100